



IT IS ORDERED

Date Entered on Docket: March 21, 2019

The Honorable David T. Thuma
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF SANTA FE, a New
Mexico corporation sole,

Debtor.

Chapter 11

Case No.: 18-13027-t11

**STIPULATED ORDER GRANTING AND CONDITIONING RELIEF FROM
STAY BETWEEN DEBTOR AND DEFENDANT J.W.**

THIS MATTER came before the court upon the motion to approve this stipulated order agreed to by and between the Roman Catholic Church of the Archdiocese of Santa Fe, a New Mexico Corporation sole, the debtor and debtor-in-possession (the “Debtor”) (the “Debtor”), by counsel, and Defendant J.W., by counsel, to modify the automatic stay provided for in Bankruptcy Code §362 to the extent and on the conditions set out below, and the Court heard oral arguments in an emergency telephonic hearing with all the parties in interest that took place on March 15, 2019. The parties are represented by counsel as shown by their approvals below.

Based upon the stipulations of Sister and Debtor, THE COURT FINDS:

1. On December 3, 2018 (the “Petition Date”), the Debtor commenced this Bankruptcy Case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. The Debtor is authorized to operate its businesses as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107(a) and 1108.

3. The Unsecured Creditors Committee was appointed in this case on December 18, 2018 at Docket # 53.

4. On October 12, 2018, Thomas Paickattu filed his Complaint for Retaliatory Discharge and Civil Racketeering in the Second Judicial District Court for the State of New Mexico (the “State Court”) commencing Cause No. D-202-CV-2018-07481 (the “State Court Action”).

5. On March 5, 2019, J.W. filed the Motion to Approve Stipulated Order Granting and Conditioning Relief From Stay (Doc. No. 109) (the “Motion”) for the sole purpose of modifying the automatic stay to allow for the State Court Order to be entered by the State Court.

6. Copies of the Motion, along with a copy of this stipulated order, were served in accordance with Bankruptcy Rule 4001(d)(1) on the creditors shown on the list filed pursuant to Bankruptcy Rule 1007(d), and the office of the U.S. Trustee. Notice (Doc. No. 110) of the filing of the motion with a copy of this stipulated order attached was transmitted also to those who received notice via the notice transmission facilities of the case management and electronic filing system of the Bankruptcy Court (“CM-ECF”) and by first class, postage prepaid, United States Mail to all those not subject to service by CM-ECF, including the Debtor. The motion and notice were sufficient under the circumstances and no further notice of this stipulated order is required.

7. On March 15, 2019 a hearing took place with all Parties of interest and Judge David T. Thuma. At that hearing the Parties agreed to a modified State Court Order that would reform the State Court Complaint to represent [J.W.] by her initials only, and to seal the original complaint.

8. At the same hearing Judge Thuma also held that upon notice that the State Court Order was entered, the original Complaint, filed as an attachment to counsel for Thomas Paickattu's objection, would also be sealed.

9. J.W. and Debtor have stipulated to this order, conditioned on Court approval, after notice as described above.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

- A. The stay provided for in Bankruptcy Code §362 is modified for the sole purpose of permitting J.W. to seek entry of the modified State Court Order by the State Court.
- B. The stay will remain in effect as to the Debtor for all other purposes.
- E. This Order shall be immediately effective.

END OF ORDER

Respectfully submitted,

CURTIS AND LUCERO

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Approved by:

ELSAESSER ANDERSON, CHTD.

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